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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

11 WILLIAM MISIEWICZ,)
12 Plaintiff,)
13)
14 vs.)
15 NEVADA DEPARTMENT)
16 OF PRISONS, *et al.*,)
17 Defendants.)
18 _____/

2:12-cv-01103-JCM-CWH

ORDER

19 Plaintiff initiated this action by filing an emergency motion for a temporary restraining order.
20 (ECF No. 1.) In the emergency motion, plaintiff seeks an order from the court directing his transfer to
21 general population and minimum custody. Plaintiff alleges that because he committed a nonviolent theft
22 crime, he should not be in maximum prison classification.

23 This action suffers from a significant deficiency in that Plaintiff has failed to file initiating
24 pleading, a verified complaint, as required by Fed. R. Civ. P. 3. Because the issue presented in the
25 emergency motion does not give rise to an immediate threat to plaintiff's health or safety, the motion
26 shall be deferred until a complaint is on file. Accordingly, the court will require plaintiff to file a

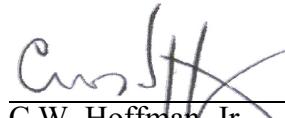
1 complaint within thirty days on the court-approved form.

2 Additionally, plaintiff has failed to either pay the filing fee or submit an application to proceed
3 *in forma pauperis* on the required form. *See* 28 U.S.C. § 1915(a)(1)-(2); Local Rules of Special
4 Proceedings 1-1, 1-2. If plaintiff wishes to pursue this matter, he must submit either the \$350.00 filing
5 fee or a completed application to proceed *in forma pauperis* on the court-approved form. The
6 application must be accompanied by all required financial documentation, as described in the
7 instructions for use of the form.

8 **IT IS THEREFORE ORDERED** that the clerk **SHALL SEND** plaintiff the approved forms
9 for filing a civil rights lawsuits under 42 U.S.C. §1983, an application to proceed *in forma pauperis* by
10 a prisoner, as well as the document “Information and Instructions for Filing a Motion to Proceed *In*
11 *Forma Pauperis*.”

12 **IT IS FURTHER ORDERED** that plaintiff shall file a complaint on the court-approved form
13 and either the \$350.00 filing fee or a or a completed application to proceed *in forma pauperis* on the
14 court-approved form with this court within **thirty (30) days** from the date of entry of this order.
15 Plaintiff’s failure to comply with this order may result in dismissal of this action.

16 DATED this 4th day of September, 2012.

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20 C.W. Hoffman, Jr.
21 United States Magistrate Judge
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